

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 358 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

KOLI NARAN NANJI

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR SANDEEP N BHATT for Petitioner

MR NK MAJMUDAR for Respondent

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 28/09/2001

ORAL JUDGEMENT

1. Rule. Mr. N.K. Majmudar waives service of Rule
on behalf of the respondent.
2. Heard the learned counsel for the respective

parties.

3. The respondent had filed a suit against the petitioner which came to be decreed against the petitioner by the Trial Court. The petitioner, thereafter, filed an Appeal in the District Court, Rajkot. Since there was a delay of 179 days in filing the appeal, he filed Civil Miscellaneous Application No.72 of 2000 for condonation of delay. Notice was issued to the respondent but the respondent did not enter appearance to contest the application. However, the learned 4th Extra Assistant Judge, Rajkot has dismissed the said application for condonation of delay.

4. The petitioner has, therefore, filed this revision application under Section 115 of the Civil Procedure Code challenging the said order refusing to condone the delay.

5. It is contended on behalf of the respondent that the delay was not properly explained and the learned Judge has rightly dismissed the application. The petitioner has stated in his application that he was not aware of the judgment and decree of the Trial Court and that he came to know about the same when he received a letter from the respondent calling upon him to pay the dues as per the decree. It is well-settled that the expression 'sufficient cause' is to be construed liberally. In the facts and circumstances of the case, the delay deserves to be condoned. The revision application is, therefore, allowed and the impugned order of the learned 4th Extra Assistant Judge is set aside and the application for condonation of delay (Civil Miscellaneous Application No.72 of 2000) filed by the petitioner is allowed and the delay in filing the appeal is condoned. Rule made absolute accordingly with no order as to costs.

hki